



1 delivered either by hand or certified mail, return receipt requested, to the  
2 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH  
3 03301. Such hearings will be scheduled within 10 days of the request. If the  
4 Respondents fail to appear at the hearing after being duly notified, such  
5 person shall be deemed in default, and the proceeding may be determined against  
6 the Respondents upon consideration of the Order to Show Cause, the allegations  
7 of which may be deemed to be true.

8 If the Respondents fail to request a hearing within 30 calendar days of  
9 receipt of such order or reach formal settlement with the Department within  
10 that time frame, then such person shall likewise be deemed in default, and the  
11 orders shall, on the thirty-first day, become permanent, and shall remain in  
12 full force and effect until and unless later modified or vacated by the  
13 commissioner, for good cause shown.

14 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

15 The Staff Petition dated March 13, 2008 (a copy of which is attached  
16 hereto) is incorporated by reference hereto.

17 **ORDER**

18 WHEREAS, finding it necessary and appropriate and in the public  
19 interest, and consistent with the intent and purposes of the New Hampshire  
20 banking laws, and

21 WHEREAS, finding that the allegations contained in the Staff Petition,  
22 if proved true and correct, form the legal basis of the relief requested,

23 It is hereby ORDERED, that the Respondent shall show cause why:

- 24 1. Administrative penalties of \$2,500.00 should not be imposed  
25 against each named Respondent; and
2. Invoice number 4308 in the amount of \$2,500.00 should not be  
paid; and
3. Respondent American's license should not be revoked; and

1  
2 It is hereby ORDERED that:

3 4. Failure to request a hearing within 30 days of the date of  
4 receipt of this Order shall result in a default judgment being  
5 rendered, license revocation and administrative penalties  
6 imposed upon the defaulting Respondent.

7 SIGNED,

8  
9 Dated: 3/14/08

10 /SRAF/  
11 PETER C. HILDRETH  
12 BANK COMMISSIONER  
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|---------------------------------------|---|------------------|
| In re the Matter of:                  | ) | Case No.: 07-121 |
|                                       | ) |                  |
| State of New Hampshire Banking        | ) | Staff Petition   |
|                                       | ) |                  |
| Department,                           | ) |                  |
|                                       | ) |                  |
| Petitioner,                           | ) | March 13, 2008   |
|                                       | ) |                  |
| and                                   | ) |                  |
|                                       | ) |                  |
| American Mortgage Professionals Inc,  | ) |                  |
|                                       | ) |                  |
| Kenneth Terrill and Margaret Terrill, | ) |                  |
|                                       | ) |                  |
| Respondents                           | ) |                  |

The Staff of the Banking Department, State of New Hampshire (hereinafter referred to as the "Department) alleges the following facts:

1. American Mortgage Professionals, Inc's (hereinafter "Respondent American") 2006 annual report was due on or before February 1, 2007.
2. Respondent American was licensed as a Mortgage Broker and at all times relevant to this action held a Department license since at least 2006.
3. Respondent Kenneth Terrill is, or was during the relevant time period, majority shareholder and President of Respondent American.
4. Respondent Margaret Terrill is, or was during the relevant time period, minority shareholder and Secretary of Respondent American.
5. On February 2, 2007 the Department sent Respondent American a

1 reminder notice via facsimile that the annual report had not been  
2 received.

3 6. On or about March 5, 2007 the Department sent Respondent American  
4 a letter via US Certified Mail (mail piece number: 7006 2760 0002  
5 2477 2393) advising them that the annual report had not been  
6 received and they had until March 26, 2007 to file the report to  
7 avoid enforcement action. The Respondent received and signed for  
8 the letter on or about March 9, 2007.

9 7. On or about June 4, 2007 this petitioner sent a final offer to  
10 Respondents American, addressed to Respondent K. Terrill, which  
11 contained an offer to resolve the matter by consent order. That  
12 mail was received June 10, 2007.

13 8. The Respondent filed its annual report on June 20, 2007, 139 days  
14 past the due date which generated a statutory penalty in the  
15 amount of \$2,500.00.

16 9. To date the Respondent has failed to pay the statutory penalty  
17 for late filing of the annual report.

#### 18 19 ISSUES OF LAW

20 The staff of the Department, alleges the following issues of law:

21 1. The Department realleges the above stated facts in paragraphs 1  
22 through 9.

23 2. The Department has jurisdiction over the licensing and  
24 regulation of persons engaged in mortgage broker activities  
25 pursuant to NH RSA 397-A:3.

- 1           3. RSA 397-A:13 I provides that a licensee shall file its annual  
2           report on or before February 1 each year concerning operations  
3           for the preceding year or license period ending December 31.  
4           The Respondents violated this provision by submitting the annual  
5           report 139 days late.
- 6           4. RSA 397-A:13 IV provides that any mortgage broker which fails to  
7           file its annual report within the time prescribed may be  
8           required to pay to the department a penalty of \$25.00 for each  
9           calendar day the report is overdue up to a maximum penalty of  
10          \$2,500.00.
- 11          5. RSA 397-A:21 IV provides that any person who, either knowingly  
12          or negligently, violates any provision of Chapter 397-A, may  
13          upon hearing, and in addition to any other penalty provided for  
14          by law, be subject to an administrative fine not to exceed  
15          \$2,500, or both. Each of the acts specified shall constitute a  
16          separate violation, and such administrative action or fine may  
17          be imposed in addition to any criminal penalties or civil  
18          liabilities imposed by New Hampshire Banking laws.
- 19          6. RSA 397-A:21 V provides that every person who directly or  
20          indirectly controls a person liable under this section, every  
21          partner, principal executive officer or director of such person,  
22          every person occupying a similar status or performing a similar  
23          function, every employee of such person who materially aids in  
24          the act constituting the violation, and every licensee or person  
25          acting as a common law agent who materially aids in the acts  
            constituting the violation, either knowingly or negligently, may,

upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

RELIEF REQUESTED

The staff of the Department requests the Commissioner take the following Action:

1. Find as fact the allegations contained in section I of this petition;
2. Make conclusions of law relative to the allegations contained in section II of the this petition;
3. Order the Respondents to Show Cause why its license should not be revoked;
4. Assess fines and administrative penalties in accordance with RSA 397-A:21, for violations of Chapter 397-A, in the number and amount equal to the violations set forth in section II of this petition; and
5. Take such other administrative and legal actions as necessary for enforcement of the New Hampshire Banking Laws, the protection of New Hampshire citizens, and to provide other equitable relief.

## RIGHT TO AMEND

The Department reserves the right to amend this Staff Petition and to request that the Commissioner take additional administrative action.

Nothing herein shall preclude the Department from bringing additional enforcement action under RSA 397-A or the regulations thereunder.

Respectfully submitted by:

      /S/        
James Shepard  
Staff Attorney

3/13/08  
Date